

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BARRY A. VANN,

Plaintiff,

v.

MIKE VANDENBROOK, STEVE HELGERSON
and OFFICER BITTELMAN,

Defendants.

ORDER

09-cv-007-bbc

Plaintiff Barry A. Vann is proceeding on his Eighth Amendment deliberate indifference claim against defendants Mike Vandebrook, Steve Helgersen and Officer Bittelman. On January 12, 2010, I denied defendants' motion for summary judgment. Now before the court is plaintiff's motion to compel discovery and to allow late disclosure of witnesses once discovery is provided.

In his motion, plaintiff states that he received no response to his January 31, 2010 request for production of documents or first set of interrogatories. Also, he asserts that he has not received a response to his November 14, 2009 request for production of documents. In his affidavit, defendants' counsel asserts that on March 5, 2010 he mailed the responses to plaintiff's request for production of documents and interrogatories to him, but that he has no record of a November 14, 2009 request for production of documents. Although plaintiff states he has filed with the court copies of his discovery requests, a November 14, 2009 request for production of documents was not filed in this court. I am persuaded that plaintiff has been provided the discovery he requested. Therefore, I will deny his motion to compel.

Two additional matters require mention. First, plaintiff asks that he be allowed to disclose his witnesses after he has received the requested discovery. This request will be denied because he has received the requested discovery and his requests for witnesses has been filed and partially granted.

Second, on or about March 16, 2010, plaintiff filed a fourth request for production of documents and a second set of interrogatories. *See* dks. 78 and 79. Discovery ended on March 12, 2010. *See* the preliminary pretrial conference order, dkt. 16, at 9. Therefore, defendants are not obliged to respond to these requests. Plaintiff should focus his time and energy on trial preparation.

ORDER

IT IS ORDERED that plaintiff's motion to compel discovery and to allow for late disclosure of witnesses, dkt. #76, is DENIED.

Entered this 26th day of March, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge